

Division Bench

cf 1002

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BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR

WRIT PETITION (C) NO. 260/2007

PETITIONER

Harmindar Singh Hora,
S/o. Late Amrit Singh Hora,
Aged about 47 years,
Director-M/s.Hora Transport Pvt.
R/o. A-1, Sainagar, Devendra Nag
Road, Raipur (C.G.)

P. N. No. 1165107
Presented by Shri Ankit Begra
dated 9/2/07

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through : Secretary, Food & Civil
Supplies, Mantralaya, D.K.S.
Bhawan, Raipur (C.G.)
2. Chhattisgarh State Cooperative
Marketing Federation Limited,
Through Managing Director,
Nutan Rice Mill Campus, 880
Civil Lines, Ram Sagarpara,
Raipur
3. The Collector, Raipur (C.G.)

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PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN
NATURE OF MANDAMUS, CERTIORARY OR ANY OTHER
LIKE NATURE ETC.

The petitioner most humbly and respectfully begs to
submit as under :-

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

-CORAM : HON'BLE SHRI H.L. DATTU, C.J.
HON'BLE SHRI V.K. SHRIVASTAVA, J.

W.P. NO. 260 OF 2007

PETITIONER

Harmindar Singh Hora

Versus

RESPONDENTS

State of Chhattisgarh and others

Present : Shri Kishore Bhaduri, counsel for the petitioner.
Shri N.K. Agrawal, Dy. Advocate General, for the
respondents / State.

ORAL ORDER

(Passed on 19th February, 2007)

The following oral order of the Court was passed by
H.L. Dattu : C.J.

Petitioner claims that he is a successful bidder in a tender floated by respondent No.2 for transportation of food grains i.e. paddy etc. from the collection centers of Food Corporation Depot.

(2) Petitioner alleges that during subsistence of the contract, respondents had directed the petitioner to lift 6,04,057 quintals of paddy from different centers within three days namely 28/12/2006, 29/12/2006 & 30/12/2006. Further case of the petitioner is that, within a short time that was granted to the petitioner, he could not lift the above quantities of paddy which the respondents had directed the petitioner to do. Therefore, petitioner is before us, *inter alia* seeking the following reliefs:

-2-

"(i) To quash order/letter dated 28.12.2006 (Annexure P/6).

(ii) To direct the respondents not to initiate any steps detrimental to the petitioner's interest without affording any opportunity of hearing to the petitioner. "

(3) In our view, the petition so filed by the highest bidder is not maintainable before us. The allegation made in the petition is that of breach of contract said to have been committed by the respondents. If that be so, petitioner can definitely approach a Civil Court for appropriate relief. Factual dispute raised by the petitioner in the writ petition requires adjudication and the same can be resolved only by a Civil Court after recording the evidence of parties.

(4) In view of the above, we are not inclined to entertain this petition. Accordingly, this petition is dismissed. However, liberty is reserved to the petitioner to approach an appropriate forum for redressal of his grievance. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
V.K. Shrivastava
Judge

Raj